



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Price Field Office

125 South 600 West

Price, UT 84501

<http://www.blm.gov/ut/st/en/fo/price.html>



IN REPLY REFER TO:

8142 (UTG02200)

AUG 01 2017

Diane Orr

Utah Rock Art Research Association

P.O. Box 511324

Salt Lake City, UT 84151

Surname	Date
QA	7-31-17
AK	7-31-17

Dear Ms. Orr:

The Bureau of Land Management - Price Field Office (PFO) previously invited your organization to serve as a consulting party under Section 106 of the National Historic Preservation Act (NHPA) and 36CFR 800.2(c) for the proposed December 2017 oil and gas lease sale for the PFO. Recently your organization provided comments on the final version of the Cultural Resources Report. The PFO would like to take this opportunity to address your comments regarding the “no adverse effect” determination made by our office.

For ease of reading and organization we have summarized your comments and provided our responses in the following table:

Question/Comment	BLM Response
Our members and Johnathan Bailey have provided Price BLM with maps and site information for over 300 rock art and archaeological sites in the Molen Reef area.	The BLM is only in receipt of information provided by Johnathan Bailey which consists of photographs, GPS points, and brief descriptions. This information was provided on a USB “flash drive” to Amber Koski.
Price BLM staff has had insufficient time to see the archeological features and rock art in the two remarkable Fremont cultural centers in the western side of the proposed lease sales and the three outstanding Fremont cultural centers on the eastern side of the proposed lease sales.	Price BLM staff have conducted several field visits to the lease area and are aware of the cultural resources located within the lease parcels, even if staff have not visited all of the sites. Please define what you mean by “cultural centers” and where these areas are located. Our information shows small concentration of sites in the parcels.
In the spring of 2017 we focused our research in locations adjacent to the Short Canyon, Molen Seep, Dry Wash and North Salt Wash ACECs to determine if the boundaries of those ACECs correctly encompassed the rock art in their respective areas. We located 29 new rock art and historic sites in the proposed lease sale parcels. We also discovered that the Molen Reef ACECs had “wrong boundaries,” the most extreme case being the Kings Crown ACEC which did not include the “Kings Crown” rock art.	Thank you for your continued work in the Molen Reef area. We would appreciate if you would submit your data to the BLM so we can incorporate it into our data sets for future use.
Price has made a “No Adverse Impact” determination based on their assumption that a NSO management prescription for the portions of the ACECs in the proposed lease sale area will protect the rock art and archeological features in the lease parcels proposed for	The NSO stipulation is only for the ACECs. The Price BLM is aware that rock art sites also occur outside the ACEC boundaries. Larger ACEC boundaries were proposed for the Rock Art ACECs during the 2008 RMP planning effort, but analysis indicated that smaller boundaries were appropriate.

sale. This assumption is incorrect because the majority of the rock art is located outside of the Rock Art ACECs boundaries.	Rock Art sites located outside of the ACECs will still receive appropriate consideration of effects under the Section 106 process which is required for all proposed undertakings within the lease sale parcels. Appropriate measures in the form of avoidance, mitigation, or denial of the proposed action will be taken should the proposed action pose an adverse effect to cultural resources.
449.55 acres were surveyed by SWCA for Castle Valley Oil and Gas Lease Areas. In consultation meetings, BLM personnel indicated that this survey did not meet BLM standards.	The BLM stated that we had concerns with the placement of the survey areas by the contractor. The BLM was not involved in the development of the survey strategy for this project. However, the survey was conducted by a reputable Cultural Resource Management contracting firm and conducted a professionally sound inventory of the areas surveyed. The survey conducted is valid and the information about presence and absence of cultural resources in the areas surveyed is valuable for this analysis.
Montgomery surveyed 240 acres in the rock art ACECs in the lease sale area, but only submitted raw data for the EA and Culture Report. Consequently less than 2% of the land has been surveyed. URARA supports the SUWA's legal analysis of this issue in SUWA's <i>Comments on the Price Field Office determination of No Effect for the December 2017 Oil and Gas Lease Sale</i> .	The data provided by Montgomery is the results of the survey conducted as well as the location and nature of any cultural resources discovered. This information was incorporated into the cultural report produced by the BLM. The cultural report which Montgomery will submit is a narrative analysis of the information provided. The submission of the report will not change the areas where survey was conducted and where sites were located, which is the information important for the analysis at hand. A "reasonable and good faith effort" does not require extensive on the ground Class III inventory. Class III surveys of very large lease areas before issuing leases is not reasonable or feasible. A phased approach to compliance is a reasonable effort. It is reasonable to review existing information from previous surveys and do limited additional survey where not enough is known. This type of phased approach with additional survey and tribal consultation at the APD issuance stage was upheld by a 2005 IBLA decision on an appeal brought by the Mandan, Hidatsa, and Arikara Nation against the Montana State Office (IBLA 2005-47, February 9, 2005).
The Price Cultural report bundled or failed to include new information for URARA/Bailey sites in lease sale parcels, understating the cultural presence in parcels. Consequently, BLM cultural charts understate the number of sites in proposed lease sale parcels. Further, this error leads to an incorrect "No Adverse Effect" determination. See Jonathan Bailey <i>Comments on the Price Field Office determination of No Effect for the December 2017 Oil and Gas Lease Sale</i> .	The Price Field Office incorporated all pertinent data provided by URARA and Johnathan Bailey into the cultural report. In instances where data provided by URARA co-occurred with previously recorded sites, the data was only counted once, using the official site number. Personal contact with Johnathan Bailey about the nature and extent of his data did not result in the submission of additional data. Mr. Bailey also noted that his data reflects individual rock art panels rather than combining spatially related rock art panels into larger sites, as is standard archaeological practice.
The Price BLM Cultural Report argues that a "complicated topography" contributes to the "No Adverse Effect" determination, assuming the diverse topography offers many options for roads and pipelines. URARA's field experience leads us to the opposite conclusion. Consequently, cultural resource densities occur around the gaps in the reefs which oil and gas developers would likely use for transportation corridors and pipelines adversely impacting rock art and archeological features. Today, these gaps and washes through the Reefs are authentic and important cultural landscapes. The "complicated topography supports an	Currently the main access roads through the Molen Reef area run north south and do not pass through the reefs. It is our opinion that developers would likely improve the existing roads, rather than develop new roads.  Additionally, the BLM will conduct the required Section 106 analysis and consultation for each proposed development activity associated with the lease of these parcels. Proposed development activities will require a comprehensive Class III inventory of the area of potential effect. If a cultural resource conflict is discovered the BLM will work to resolve the adverse effect through consultation with the SHPO and modification of the project. If the adverse effect cannot be resolved, the BLM



“adverse effect” determination for Parcels 89, 92,95,94,88,100 and 93.	will develop mitigation measures with the project proponent or deny the proposed action.
The BLM Price Culture Report fails to consider the extreme vulnerability of horizontal surface rock art and granaries in the proposed lease sale parcels and near roads which access the parcels	We used all available cultural resource information on file in our office, with the SHPO, and provided by URARA /Johnathan Bailey during the preparation of the cultural resource report. During site specific development analysis, any activity which would pose an adverse impact to a historic property would be consulted upon under Section 106 with the Utah SHPO. The proposed action would be modified, adverse effects mitigated, or the project would be denied depending on the nature and severity of the proposed impact. Indirect adverse effects are also considered during this state of analysis.
In May of this year, URARA and Bailey presented new information to Price BLM, 29 new sites. We also presented 360 degree photographs which documented the integrity of the cultural landscape which the rock art panels share. These undisturbed views of the reefs and eastern dunes will be altered with oil and gas development.	While information of this nature was mentioned at the May 11, 2017 consulting parties meeting, and members in attendance were allowed to briefly view a map and examples of the 360 degree photos, no information on these 29 new sites was formally submitted to the BLM for review. We were unable to incorporate this data into our report as we were not provided any information about the location and nature of any newly discovered sites.
We are nominating expanded Rock Art ACECs with management prescriptions to provide permanent cultural protection before BLM leases parcels for oil and gas development which we strongly believe will have adverse effects on the Molen Reef cultural landscape. We strongly recommend that the 15 proposed lease sale parcels be deferred until Molen Reef Rock Art ACECs’ borders are corrected and management prescriptions protecting cultural resources are in place.	ACEC boundary adjustments are part of the formal RMP planning process and are not associated with this proposed undertaking. The BLM is mandated to conduct quarterly oil and gas lease sales. The ACEC boundaries within the Molen Reef area were considered and commented upon during the 2008 RMP planning process. At that time an alternative which included larger ACEC areas and more restrictive management prescriptions was not selected after the associated EA was send out for scoping and public comment. With the present RMP this area is designated open for oil and gas leasing. It was decided at that time that the leasing stipulations for cultural resources were sufficient protections. A formal RMP amendment or changes in a new RMP would be needed to change the boundaries. The Price Field Office is not considering any changes to the RMP at this time.

If you have any questions pertaining to the proposed project, please contact either myself at (435) 636-3618 or Archaeologist Nicole Lohman at (435) 636-3667.

Sincerely,

Amber Koski  
Assistant Field Manager

bcc: Working File  
Reading File

LLUTG022:NLohman:aa:7/31/2017